
HOUSE BILL No. 1360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-30-17; IC 4-31-9-3; IC 4-32-10-6; IC 4-33-13-5; IC 4-34-2-1; IC 6-6-5-9.5.

Synopsis: Build Indiana fund. Expands the types of entities eligible to receive money from the build Indiana fund (BIF) to include: (1) all political subdivisions, including townships; (2) volunteer fire departments; (3) state instrumentalities; and (4) certain nonprofit organizations. Allows BIF money to be used for any state or local capital project, the development or expansion of which: (1) serves a governmental, recreational, cultural, community, health, charitable, scientific, public safety, literary, or educational purpose; (2) fosters amateur sports competition; or (3) fosters prevention of cruelty to children. Allows BIF money to be used for the acquisition of machinery, equipment, or furnishings. Requires all BIF recipients to provide a project statement and enter into a funding agreement before receiving BIF money. Requires the budget agency to certify project statements and monitor compliance with funding agreements. Eliminates the requirement that the budget agency establish three separate accounts in BIF. Appropriates money to the budget agency to administer BIF. Legalizes past expenditures from BIF. Provides for transitional matters and makes conforming changes. Repeals the build Indiana capital projects review committee.

Effective: July 1, 2002.

Moses, Grubb, Richardson, Turner

January 15, 2002, read first time and referred to Committee on Rules and Legislative Procedures.



Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1360

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-30-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this
3 chapter, "eligible ~~applicant~~ **recipient**" means the following:

4 (1) Any entity with the authority to impose ad valorem property
5 taxes except townships, including counties, cities, towns, special
6 taxing districts, school corporations, and any other entity that is
7 granted by statute or ordinance a right to impose user fees or
8 charges (referred to as political subdivisions in this chapter) as
9 long as the application is signed by the executive of the political
10 subdivision (as defined in IC 36-1-2-13).

11 (2) A volunteer fire department (as defined in IC 36-8-12-2).

12 (3) A corporation, community chest, community fund, or
13 community foundation that is exempt from federal income
14 taxation under Section 501(c)(3) of the Internal Revenue
15 Code.

16 (2) (4) The state, as long as the application is signed by the
17 governor.

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~~(3)~~ **(5)** A state funded institutions of higher education; as long as the application is approved by the higher education commission: **educational institution (as defined in IC 20-12-0.5-1).**

(6) Any body corporate and politic that serves as an instrumentality of the state.

SECTION 2. IC 4-30-17-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3.5. ~~(a) Two~~ **(2)** segregated accounts shall be established within the build Indiana fund as follows:

(1) The state and local capital projects account:

(2) The lottery and gaming surplus account:

(b) Upon receiving surplus lottery revenue distributions from the state lottery commission and surplus gaming revenue distributions from the state gaming commission; the treasurer of state shall credit the surplus lottery revenue and surplus gaming revenue to the lottery and gaming surplus account. All money remaining in the lottery and gaming surplus account after the transfer required by subsection ~~(c)~~ shall be transferred to the state and local capital projects account.

~~(c)~~ **(a)** Before the twenty-fifth day of the month, the auditor of state shall transfer from the lottery and gaming surplus account **build Indiana fund** to the state general fund motor vehicle excise tax replacement account an amount equal to the following:

(1) In calendar year 1996; eleven million six hundred twenty-five thousand dollars (\$11,625,000) per month.

(2) In calendar year 1997; twelve million nine hundred twenty-five thousand twenty dollars (\$12,925,020) per month.

(3) In calendar year 1998; fifteen million ten thousand dollars (\$15,010,000) per month.

(4) In calendar year 1999; seventeen million one hundred ninety-two thousand dollars (\$17,192,000) per month.

(5) In calendar year 2000 nineteen million four hundred thirty-five thousand two hundred ten dollars (\$19,435,210) per month.

(6) In calendar year 2001 and each year thereafter; nineteen million six hundred eighty-four thousand three hundred seventy dollars (\$19,684,370) per month.

~~(d)~~ **(b)** This subsection applies only if insufficient money is available in the lottery and gaming surplus account of the build Indiana fund to make the distributions to the state general fund motor vehicle excise tax replacement account that are required under subsection ~~(c)~~:

(a). Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor

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vehicle excise tax replacement account the difference between:

- (1) the amount that subsection ~~(c)~~ (a) requires the auditor of state to distribute from the ~~lottery and gaming surplus account of the~~ build Indiana fund to the state general fund motor vehicle excise tax replacement account; and
- (2) the amount that is available for distribution from the ~~lottery and gaming surplus account in the~~ build Indiana fund to the state general fund motor vehicle excise tax replacement account.

The transfers required under this subsection are annually appropriated from the state general fund.

SECTION 3. IC 4-30-17-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.1. (a) Money ~~required to be credited to the state and local capital projects account build~~ **Indiana fund, after making the disbursements required under section 3.5 of this chapter,** may be used only for:

- (1) state ~~and~~ or local capital projects **that are managed or carried out by an eligible recipient;** or for
- (2) deposit in a revolving loan fund ~~that may only be used for~~ capital projects.

(b) **An expenditure of money from the build Indiana fund for a state or local capital project must be certified by the budget agency to the budget committee under section 4.5 of this chapter before the project may be reviewed and approved under section 10 of this chapter.**

(c) As used in this chapter, "capital projects project" refers to a capital project to which the general assembly has appropriated money from the build Indiana fund by project name, name of an eligible recipient, or other description of the capital project. The ~~term include~~ **includes:**

- (1) the construction of airports, airport facilities, and local street and road projects; ~~☆~~
- (2) an airport development project that is eligible for a grant or loan under IC 8-21-11; and
- (3) any other:
 - (A) acquisition of land;
 - (B) site improvements;
 - (C) infrastructure improvements;
 - (D) construction of buildings or structures;
 - (E) rehabilitation, renovation, or enlargement of buildings or structures; or
 - (F) acquisition or improvement of machinery, equipment, furnishings, or facilities;



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(or any combination of these), that comprises or is functionally related to an activity that serves a governmental, a recreational, a cultural, a community, a health, a charitable, a scientific, a public safety, a literary, or an educational purpose, fosters amateur sports competition, or fosters prevention of cruelty to children.

(d) As used in this chapter, "state project" is refers to a capital project that is proposed by the state or the higher education commission. A managed or carried out by an eligible recipient described in section 2(4) through 2(6) of this chapter.

(e) As used in this chapter, "local project" is refers to a capital project proposed by a political subdivision. An airport development project that is managed or carried out by an eligible for a grant or loan under IC 8-21-11 is a local capital project. recipient described in section 2(1) through 2(3) of this chapter.

(d) The money required to be credited to the state and local capital projects account must be used to promote the maximum use of other funds for capital projects, including using local matching requirements, the consideration of various kinds of credit enhancements, and the remarketing of debt issues secured by money in the state and local capital projects account.

SECTION 4. IC 4-30-17-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.5. (a) To receive funding for a state or local capital project, an eligible recipient must provide the budget agency with a project statement on a form prescribed under subsection (b).

(b) The budget agency shall prescribe a project statement form for its use in certifying eligible recipients under this section. The form must require the entity submitting the project statement to provide the following information:

(1) The name, mailing address, federal tax identification number, and state tax identification number of the eligible recipient.

(2) The legal status of the eligible recipient, including whether the eligible recipient is a governmental entity, a state educational institution, a volunteer fire department, or an entity exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) The full name, address, and telephone number of the individual who will serve as the contact person for the project.

(4) A list of the full names of any individual who is associated with the eligible recipient and who serves as a presiding



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officer of a governing board, a managing partner, an officer,
or an office manager of the eligible recipient.

(5) The name and a description of the project.

(6) The street or other physical address of the project.

(7) A statement of the need for the project.

(8) An estimate of the total project cost.

(9) The current status of the project, including the percentage
of completion at the time the project statement is submitted,
for which funding is requested.

(10) The anticipated completion date for the project.

(11) The amounts of funding previously received from the
build Indiana fund, including information concerning any
funds not spent at the time the project statement is submitted.

(12) An itemization of all other governmental and private
sources of funds for the particular project.

(13) The name, position, and telephone number of a contact
person associated with any funding source identified under
subdivision (12).

(14) The financial institution where all funds received under
this chapter will be deposited.

(15) The name, position, and telephone number of a contact
person employed by the financial institution listed under
subdivision (14).

(c) The budget agency shall review each project statement
submitted under this section. If the budget agency determines that:

(1) the project statement is complete;

(2) the recipient qualifies as an eligible recipient; and

(3) an appropriation applies to the eligible recipient and
project;

the budget agency shall certify to the budget committee that the
eligible recipient and capital project have complied with this
section and provide a copy of the project statement to the budget
committee.

SECTION 5. IC 4-30-17-10 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. Money
appropriated from the state or local capital projects account approved
by the general assembly the build Indiana fund may not be expended
on a state or local capital project or transferred to a revolving fund
for capital projects until the state or local capital project or transfer
is reviewed by the budget committee and approved by the governor
upon the recommendation of the budget agency.

SECTION 6. IC 4-30-17-11 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 11. (a) Each eligible recipient that is approved to receive money from the build Indiana fund under section 10 of this chapter must, as a condition of receiving money from the build Indiana fund, enter into a funding agreement with the budget agency.**

(b) The agreement required under subsection (a) must obligate the eligible recipient to do the following:

(1) Complete the project in conformity with the information in the project statement reviewed and approved under section 10 of this chapter and any subsequent agreements reviewed by the budget committee and approved by the governor, upon recommendation of the budget agency.

(2) Acknowledge, on a form prescribed by the budget agency, the receipt and deposit of money received from the build Indiana fund. The written acknowledgment must include proof that the funds have been deposited in the financial institution listed in the documents described in subdivision (1) and must be submitted to the budget agency within ten (10) business days after receipt of the money.

(3) Account for money received from the build Indiana fund in accordance with generally accepted accounting principles, the accounting guidelines established by the state board of accounts, or an alternative method of accounting approved by the state board of accounts.

(4) Be subject to the audit and the reporting requirements under IC 5-11-1 (state board of accounts) for each year, beginning with the year in which money from the build Indiana fund is received and ending with the year in which the project is completed, and pay the costs of the audits.

(5) Appear and give testimony, upon request, to the budget committee concerning the project.

(6) Submit to the budget agency, on a form prescribed by the budget agency, verification of the completion of the project not later than ten (10) business days after the project is complete.

(7) If a project is not completed by the anticipated completion date specified in the documents described in subdivision (1), submit to the budget agency, on a form prescribed by the budget agency, information as to the reason the project is not complete and the revised completion date of the project. The form must be submitted before the anticipated completion

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date specified in the documents described in subdivision (1).

(8) Pay reasonable attorney's fees and other reasonable expenses incurred to enforce the agreement, collect reimbursement of project funds under subsection (d), or prosecute a violation of the agreement.

(c) The budget agency shall monitor compliance with the agreement required under subsection (a).

(d) In addition to any other remedy provided by law, if the eligible recipient fails to comply with a condition of the agreement required under subsection (a), the budget agency may, under the procedures set forth in IC 4-21.5, require the entity to repay all the funds distributed to the eligible recipient under this chapter. The budget agency shall give notice of the order under IC 4-21.5-3-4. Money repaid under this section shall be deposited in the build Indiana fund.

SECTION 7. IC 4-30-17-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. Upon compliance with this chapter, the appropriated amount for the state or local capital project shall be distributed to the eligible recipient. Subject to the review and approval required under section 10 of this chapter, the authorized amount may be distributed as a lump sum distribution in the full amount of the appropriation or in a series of progress payments. The appropriation may be distributed to the eligible recipient in advance of its expenditures for the project or as reimbursement for expenses incurred by the eligible recipient. Before making a distribution of money from the build Indiana fund for a state or local capital project, reasonable notice of the following shall be given to each member of the general assembly who represents the area that will be most benefited by the state or local capital project:

(1) A copy of the project statement for the project.

(2) The approximate date that the money will be distributed.

(3) The place where the eligible recipient will receive the money.

SECTION 8. IC 4-30-17-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. There is annually appropriated to the budget agency a sufficient amount from the build Indiana fund for the budget agency to carry out its responsibilities under this chapter.

SECTION 9. IC 4-31-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) At the close of each day on

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which a permit holder or satellite facility operator conducts pari-mutuel wagering on live racing or simulcasts at a racetrack or satellite facility, the permit holder or satellite facility operator shall pay to the department of state revenue a tax on the total amount of money wagered on that day as follows:

(1) Two percent (2%) of the total amount of money wagered on live races and simulcasts conducted at a permit holder's racetrack.

(2) Two and one-half percent (2.5%) of the total amount of money wagered on simulcasts at satellite facilities, regardless of whether those simulcasts originate from Indiana or another state.

(b) The taxes collected under subsection (a) shall be paid from the amounts withheld under section 1 of this chapter and shall be distributed as follows:

(1) The first one hundred fifty thousand dollars (\$150,000) of taxes collected during each state fiscal year shall be deposited in the veterinary school research account established by IC 4-31-12-22.

(2) The remainder of the taxes collected during each state fiscal year shall be paid into the ~~lottery and gaming surplus account in~~ the build Indiana fund.

(c) The tax imposed by this section is a listed tax for purposes of IC 6-8.1-1.

SECTION 10. IC 4-32-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. Before the last business day of January, April, July, and October, the department shall, upon approval of the budget agency, transfer the surplus revenue to the treasurer of state for deposit in ~~the lottery and gaming surplus account in~~ the build Indiana fund.

SECTION 11. IC 4-33-13-5, AS AMENDED BY P.L.273-1999, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) Twenty-five percent (25%) of the tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a city described in IC 4-33-12-6(b)(1)(A);

(B) in equal shares to the counties described in IC 4-33-1-1(3), in the case of a riverboat whose home dock is on Patoka Lake; or



(C) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A) or a county described in clause (B); and

(2) Seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid to the build Indiana fund. ~~lottery and gaming surplus account.~~

SECTION 12. IC 4-34-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. The Indiana technology fund is established. Money in the fund at the end of a state biennium reverts to the build Indiana fund. ~~state and local capital projects account (IC 4-30-17-3.5).~~

SECTION 13. IC 6-6-5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9.5. (a) Before the twentieth day of each month the bureau shall do the following:

(1) Determine the amount of excise taxes that would have been collected for each county for the preceding month based on the tax rate schedule that was in effect on January 1, 1995.

(2) Determine and report to the auditor of state the difference between what was actually collected for each county for that month and what would have been collected at the January 1, 1995, rates.

(b) For the months of January through November, the auditor of state shall determine a monthly uniform disbursement percentage to be applied in determining the amount of motor vehicle excise tax replacement money to be disbursed to each county. The monthly uniform disbursement percentage equals the quotient of the sum of the amounts transferred under IC 4-30-17-3.5 plus the amounts transferred under subsections (f) and (g) to the motor vehicle excise tax replacement account in the month of the bureau's report divided by the sum of the total differences for all counties, as determined under subsection (a) and identified in the bureau's report for that month.

(c) For December, the auditor of state shall determine an annual uniform disbursement percentage to be applied in determining the amount of motor vehicle excise tax replacement money to be disbursed to each county in December as an annual adjustment.

(d) The annual uniform disbursement percentage equals the quotient of the sum of the amounts transferred under IC 4-30-17-3.5 plus the amounts transferred under subsections (f) and (g) to the motor vehicle excise tax replacement account in the months of January through December divided by the sum of the total differences for all counties, as determined under subsection (a) and identified in the bureau's

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reports for the months of January through December.

(e) For the months of January through November, the auditor of state shall distribute to the county the amount of the difference determined under subsection (a) in the month of the bureau's report for that county, multiplied by the monthly uniform disbursement percentage for that month. For December, the auditor shall distribute to the county the total difference in the bureau's reports determined under subsection (a) in the months of January through December for that county, multiplied by the annual uniform disbursement percentage, less the amounts distributed to the county in January through November. However, the total distribution to a county in a calendar year may not exceed the total difference in the bureau's reports determined under subsection (a) in the months of January through December for that county in the year.

(f) The transfers under this subsection are in addition to the transfers required under IC 4-30-17-3.5 and subsection (g). Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the following:

(1) In calendar year 1996, nine million four hundred fifty-one thousand one hundred eighty-five dollars (\$9,451,185);

(2) In calendar year 1997, seven million two hundred seventy-six thousand three hundred seventy-seven dollars (\$7,276,377);

(3) In calendar year 1998, five million one hundred eight thousand fourteen dollars (\$5,108,014);

(4) In calendar year 1999, two million seven hundred seventy-five thousand six hundred nine dollars (\$2,775,609);

(5) In calendar year 2000, three hundred seventy-four thousand six hundred seven dollars (\$374,607);

(6) In calendar year 2001 and thereafter, sixteen thousand nine hundred seventy-four dollars (\$16,974).

The transfers required under this subsection are annually appropriated from the state general fund.

(g) This subsection applies only after December 31, 1995, and applies only if insufficient money is available in the lottery and gaming surplus account of the build Indiana fund to make the distributions to the state general fund motor vehicle excise tax replacement account that are required under IC 4-30-17-3.5. Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the difference between:

(1) the amount that IC 4-30-17-3.5 requires the auditor of state to



1 distribute from ~~the lottery and gaming surplus account~~ of the
 2 build Indiana fund to the state general fund motor vehicle excise
 3 tax replacement account; and

4 (2) the amount that is available ~~under IC 4-30-17-3.5~~ for
 5 distribution from ~~the lottery and gaming surplus account~~ in the
 6 build Indiana fund to the state general fund motor vehicle excise
 7 tax replacement account.

8 The transfers required under this subsection are annually appropriated
 9 from the state general fund.

10 (h) Any money remaining in the motor vehicle excise tax
 11 replacement account after the last county distribution in December
 12 shall be transferred to the build Indiana fund. ~~state and local capital~~
 13 ~~projects account established under IC 4-30-17-3.5~~. The auditor of state
 14 shall make the distribution before the end of the month the auditor
 15 receives the bureau's report.

16 (i) The money needed for the distribution shall be withdrawn from
 17 the motor vehicle excise tax replacement account. There is
 18 appropriated from the state general fund motor vehicle excise tax
 19 replacement account, the amount needed to make the distributions
 20 required by this section.

21 (j) Distributions made under this section are considered motor
 22 vehicle excise taxes for purposes of allocating revenue among taxing
 23 units under this chapter.

24 SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE
 25 JULY 1, 2002]: IC 4-30-17-1; IC 4-30-17-5; IC 4-30-17-6;
 26 IC 4-30-17-7; IC 4-30-17-7.5; IC 4-30-17-8; IC 4-30-17-9.

27 SECTION 15. [EFFECTIVE JULY 1, 2002] (a) As used in this
 28 SECTION, "build Indiana fund account" means any of the
 29 following accounts in the build Indiana fund established by
 30 IC 4-30-17-3:

- 31 (1) The state and local projects account.
- 32 (2) The lottery and gaming surplus account.
- 33 (3) The job creation and economic development account.

34 (b) Any reference to a build Indiana fund account in a law,
 35 agreement, or other document that was created before July 1,
 36 2002, shall be treated after June 30, 2002, as a reference to the
 37 build Indiana fund.

38 SECTION 16. [EFFECTIVE JULY 1, 2002] (a) As used in this
 39 SECTION, "build Indiana fund appropriation" refers to an
 40 appropriation:

- 41 (1) made by the general assembly in a bill enacted before July
- 42 1, 2002, that authorized an expenditure from money deposited

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1 in the build Indiana fund or any account of the build Indiana
2 fund;

3 (2) that was not rescinded before its expenditure in a later bill
4 enacted by the general assembly; and

5 (3) did not expire before its expenditure, by operation of law.

6 (b) Notwithstanding IC 4-30-17, as amended by this act, all
7 build Indiana fund appropriations enacted before July 1, 2002, are
8 legalized and validated.

9 (c) All expenditures of money from the build Indiana fund that
10 were made before July 1, 2002, are legalized and validated if the
11 expenditure was disbursed in conformity with a build Indiana fund
12 appropriation and the allotment authorization of the budget
13 agency.

14 (d) This subsection applies to a build Indiana fund
15 appropriation that:

16 (1) identifies a specific project, specific purpose, or a specific
17 recipient, other than a transfer to another state fund or an
18 appropriation to a state agency; and

19 (2) is not disbursed before July 1, 2002.

20 If the appropriation is reviewed by the budget committee before
21 July 1, 2002, and approved by the governor under IC 4-30-17-10
22 before, on, or after July 1, 2002, the appropriation may be allotted
23 and expended without any further action under IC 4-30-17, as
24 amended by this act, regardless of whether, after June 30, 2002, the
25 recipient would qualify as an eligible recipient or the project would
26 qualify as a state or local capital project under IC 4-30-17, as
27 amended by this act. However, the recipient must enter in the
28 funding agreement required under IC 4-30-17-11, as added by this
29 act, as a condition of receiving the distribution. If the
30 appropriation has not been reviewed by the budget committee
31 before July 1, 2002, the appropriation may be allotted and
32 expended, regardless of whether, after June 30, 2002, the recipient
33 would qualify as an eligible recipient or the project would qualify
34 as a state or local capital project under IC 4-30-17, as amended by
35 this act. However, the recipient must provide the project
36 information to the budget agency required under IC 4-30-17-4.5,
37 as added by this act, have the project reviewed by the budget
38 committee and approved by the governor under IC 4-30-17-10, as
39 amended by this act, and enter in the funding agreement required
40 under IC 4-30-17-11, as added by this act, as a condition of
41 receiving the distribution. Subject to this subsection, the
42 distribution of a build Indiana fund appropriation shall be made

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1 to:

2 (1) the entity identified in the build Indiana fund
3 appropriation, if reasonably ascertainable from the language
4 of the appropriation; or

5 (2) otherwise to the entity that is most directly responsible for
6 carrying out the project, regardless of whether the entity
7 would qualify as an eligible recipient under IC 4-30-17, as
8 effective at the time the appropriation was enacted or as
9 effective after June 30, 2002.

10 (e) A build Indiana fund appropriation that is:

11 (1) not described in subsection (d); and

12 (2) not disbursed before July 1, 2002;

13 may be allotted and expended without any further action under
14 IC 4-30-17, as amended by this act.

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